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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,087	Applicant(s) MCGEACHIE ET AL.	
	Examiner KUEN S. LU	Art Unit 2156	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>23 June 2010</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The Action is responsive to the Applicant's Amendment, filed July 19, 2010. It is acknowledged that amendments were made to claim 1 and new claims 2-20 were added.
2. As necessitated by the amendments, Examiner hereby respectfully withdraws objections to drawings and oath/declaration. Also hereby withdrawn is the nonstatutory obviousness-type double patenting rejection of claim 1 over claim **1** of U.S. Patent No. **7,606,796**, as necessitated by a terminal disclaimer pending to be filed when the instant application is patented.
3. Please note claims 1-20 have been examined and are pending.

Information Disclosure Statement

4. **The** information disclosure statements (IDS) submitted on June 23, 2010 was filed before the mailing of a first Office action after the filing of the application. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the Examiner and electronically signed as attached.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.1. Claims 1-20 are rejected are rejected under 35 U.S.C. 102(b) as anticipated by Raveis, Jr.:

“SYSTEM AND METHOD FOR MANAGING TRANSACTIONS RELATING TO REAL

ESTATE”, U.S. Patent 6,321,202, filed 12/10/1999 and issued 11/20/2001, hereafter “Raveis”.

As per claim 1, Raveis teaches “A computer-implemented method of determining a pathway between a source connection point and a target connection point, comprising” (See Figs. 2, 4; col. 6, line 64 – col. 7, line 20; col. 8, lines 38-40 and col. 10, lines 1-8, **sales agents is the source connection point** as the list of contacts and **real estate sales listing is the target connection point**):

“providing a computer system having at least one database comprising data defining entities as connection points” (See Figs. 2A-2B and 8A-8B, col. 6, line 64 – col. 7, line 20; col. 9, line 64 – col. 10, line 8, real estate databases, including sales agent, contact, listing, vendor and real estate company, identify entities such as agent, contact and real estate sales listing);

“defining the source connection point as a list of contacts” (See Figs. 2, 4; col. 6, lines 54-63; col. 8, lines 38-40 and col. 10, lines 1-8, **sales agents is the source connection point** as the list of contacts);

“defining the target connection point” (See col. 10, lines 1-8, real estate sales listing is the target

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connection point); and

“defining a set of intermediate connection points as a series of intermediate contacts that collectively define the pathway from the source connection point to the target connection point, as a function of predetermined relationships among a superset of contacts comprising the intermediate contacts” (See col. 10, lines 1-10, and col. 6, line 64 – col. 7, line 20, the real estate company provides intermediate points defining pathway between sales agents and real estate sales listing in which the real estate company database identifies real estate listing, sales agents, contacts and sale transactions).

As per claim 11, the claim describes a computer-readable storage medium having stored thereon instructions for determining at least one pathway between a source connection point and a target connection point, said instructions when executed by a computer causes a processor to perform operations as described claim 1. Therefore, claim 11 is rejected base on the same rationale that rejected claim 1.

As per claim 2, Raveis teaches the computer-implemented method of claim 1 further comprising:

“providing at least one host database comprising identification data for each of a plurality of individuals and entities, wherein for each individual or entity said identification data includes relationships to at least one other individual or entity” (See Figs. 2, 6A-6B, col. 6, line 64 – col.

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7, line 20 and col. 9, lines 8-25, the sales agents, contacts, listings, vendor and real estate company are **associated and related** based on fields of data of the databases);

“defining a starting point as a list of at least one individual or entity” (See Figs. 2, 4; col. 6, lines 54-63; col. 8, lines 38-40 and col. 10, lines 1-8, where sales agents **is the source connection point, also a starting point**, as the list of contacts);

“defining an endpoint as a list of at least one individual or entity” (See col. 10, lines 1-8, fields of real estate sales listing is the target connection point, also the endpoint as the listing real estate sales); and

“generating at least one pathway that identifies a set of intermediate individuals, entities or both” (See col. 6, line 64 – col. 7, line 23, the real estate company is the pathway between sales agents and real state sales listings, the database identifies individuals, including sale contacts, sellers attorney and real estate transactions), wherein the identity of each intermediate individual or entity includes:

“a first set of identification data **in common with** a set of identification data of an individual or entity from **the starting point** or of a prior intermediate individual or entity” (See col. 6, line 64 – col. 7, line 23, sales agents are in common with sales agents database, the starting point); and

“a second set of identification data **in common with** a set of identification data of a subsequent intermediate individual or entity or of an individual or entity from **the endpoint**” (See col. 6, line 64 – col. 7, line 23, sellers attorney, surveys are related to the real estate listing).

As per claim 3, Raveis teaches “The method of claim 2 wherein at least one of the starting

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point and the endpoint is a list comprising a plurality of individuals, entities or both” (See col. 6, line 64 – col. 7, line 23, col. 6, line 64 – col. 7, line 20; col. 9, line 64 – col. 10, line 8, each record in real estate databases, including sales agent, contact, listing, vendor and real estate company, identify entities such as agent, contact and real estate sales listing is self a listing of data).

As per claim 4, Raveis teaches “The method of claim 2 further comprising providing a user interface configured for entry of at least one of the starting point or endpoint” (See Figs. 4-5, 7 and 9, each of the user interface window provides entry for the sales agent, contact, listing, vendor and real estate company, identify entities such as agent, contact and/or real estate sales).

As per claim 5, Raveis teaches “The method of claim 2 wherein the identification data comprises an identification of the individual or entity” (See col. 6, line 64 – col. 7, line 23, sales agents, MLS data, phones are fields for data and as examples for identifying individual or entity).

As per claim 6, Raveis teaches “The method of claim 2 wherein providing at least one host database comprises deriving information from at least one private or public domain source including data representing individuals, entities or both” (See col. 6, line 64 – col. 7, line 23, data related to real estate company, sales agents and real estate sales listing are public data with exceptions such as those financial or confidential related).

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As per claim 7, Raveis teaches “The method of claim 6 wherein deriving information comprises parsing information from at least one private or public domain source” (See col. 6, line 64 – col. 7, line 23, data related to real estate company, sales agents and real estate sales listing are public data with exceptions such as those financial or confidential related).

As per claim 8, Raveis teaches “The method of claim 6 wherein the at least one private or public domain source includes web sites, publications and databases” (See col. 6, line 64 – col. 7, line 23, data related to real estate company, sales agents and real estate sales listing are in databases).

As per claim 9, Raveis teaches “The method of claim 2, further comprising, prior to generating, defining a maximum number of intermediate individuals, entities or both to comprise the at least one pathway” (See col. 6, line 64 – col. 7, line 23, sales agents, MLS data, phones are fields identifying individual or entity comprises data in the real estate company database).

As per claim 10, Raveis teaches “The method of claim 2, further comprising: for the at least one pathway, displaying the starting point, the one or more intermediate individuals, entities or both and the at least one endpoint” (See col. 6, line 64 – col. 7, line 23, the real estate company record includes sales contact, the sales agent, and real estate survey for real estate listing).

As per claims 12-13, the claims describe a computer-readable storage medium having stored

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thereon instructions for determining at least one pathway between a source connection point and a target connection point, said instructions when executed by a computer causes a processor to perform operations as described claim 2. Therefore, claims 12-13 are rejected base on the same rationale that rejected claim 2.

As per claims 14-19, the claims describe a computer-readable storage medium having stored thereon instructions for determining at least one pathway between a source connection point and a target connection point, said instructions when executed by a computer causes a processor to perform operations as described claims 3-9, respectively and consequentially. Therefore, claims 14-19 are rejected base on the same rationale that rejected claims 3-9, respectively and consequentially.

References

6.1. The prior art made of record

B. U.S. Patent 6,321,202

6.2. The prior art made of record and not relied upon is considered pertinent to applicant’s disclosure.

A. U.S. Patent Application Publication 2005/0015432

Response to Arguments

7. In the REMARKS/Amendment filed July 19, 2010, Applicant made the following arguments. Corresponding to each argument, Examiner responds respectfully as highlighted below:

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Remarks

As stated above, Applicants appreciate the Examiner's thorough examination of the subject application and request reexamination and reconsideration of the subject application in view of the preceding amendments and the following remarks.

As of the Office Action of March 17, 2010 claim 1 was pending in the subject application, of which claim 1 is an independent claim. With this response Applicants have amended claim 1 and have added claims 2-20. No new matter is believed to have been added as a result of these amendments.

As an initial matter, Applicants note the Examiner's objection to the Drawings on page 2 of the Official Action dated March 17, 2010. Applicants have attached seven replacement sheets with this amendment to address the Examiner's concerns. No further correction is believed necessary.

Applicants also note the Examiner's objection to the oath/declaration. Applicants have attached a corrected oath with this response. No further correction is believed necessary.

Applicants also note the nonstatutory obviousness type double patenting rejection. As described on page 4 of the Official Action, Applicants intend to file a terminal disclaimer upon any indication of allowable subject matter in order to overcome this rejection.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,321,202 issued to Raveis. Applicants respectfully traverse this rejection.

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Concerning above remarks, Examiner respectfully withdraws objection to the oath/declaration and drawings. Also hereby withdrawn is nonstatutory obviousness type double patenting rejection.

Applicants' newly amended independent claim 1 is provided below for the Examiner's convenience.

1. A computer-implemented method of determining a pathway between a source connection point and a target connection point comprising:

providing a computer system having at least one database comprising data defining entities as connection points;

defining the source connection point as a list of contacts; defining the target connection point; and defining a set of intermediate connection points as a series of intermediate contacts that collectively define the pathway from the source connection point to the target connection point, as a function of predetermined relationships among a superset of contacts comprising the intermediate contacts.

Support for Applicants' newly amended claim 1 may be found throughout the subject application, for example, in Figure 5, which has been provided below for the Examiner's convenience.

FIG. 5

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A description of Figure 5 may be found in paragraphs [0063 and 0065] of the subject application, which are provided below for the Examiner's convenience.

[0063] An example connections list is schematically shown in FIG. 5. In this example, after the host database 102 and the client database 114 have been constructed, steps 22 and 24, FIG. 2, identification information for a source party 202 and a target party 204 are input to the host operation system 102 over the internet 18 through client interface 116. For simplicity, the entire record of each party is not shown in FIG. 5. Only the relevant identification information for the purposes of this example are shown. Upon receiving the identification information, which typically is the name of the people between whom a connection is to be determined, the records of the source party and the target party are identified in the client and/or host databases, step 28. In this example, the source party 202 is for J.F. who is the Chief Technology Officer of Company A. The target party record 204 is for L.S., the Chief Financial Officer of Company F. In step 30, the host database 102 is searched to locate intermediate party records having identification information commonalities with the source party record 202. In this case, the record 206 of C.O., which indicates that C.O. has identification information including a relationship with Company A as Chief Operating Officer is located. The remaining identification information of the record of C.O. is searched to determine whether there is a commonality between any of the identification information of C.O. and any of the identification information stored in the record of the target party, L.S., step 32. There is a commonality, since the record of C.O. indicates a relationship

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with Company F as Chief Technology Officer, step 34. Accordingly, a list including the source party record of J.F., the intermediate party record of C.O. and the target party record of L.S. is generated and sent to the client interface 116, step 38. In the list, all of the identification information included data included in the record of each party is available to the client. Subject application, para. [0063].

[0065] In FIG. 5, each entity with which the involved parties are associated is indicated by a dashed line. Connections between entities are referred to as hops. Since no entities other than the entities associated with the source party and the target party are needed to make the connection shown by double-dotted, dashed line 208, this connection is referred to as a "one-hop" connection. Other, multiple hop connections between the source party record 202 and the target party record 204 are shown in FIG. 5. Line 210 shows a "two hop" connection. Using the method described above, it is determined that the record of the source party J.F., 202 indicates a relationship between Company A and Company D based on the commonality that J.F. is associated with both companies. A further search in host database 102 indicates a relationship between the record 202 of J.F. and the record 212 of M.P., based on the commonality that both parties have a relationship with Company D. The record 212 of M.P. indicates a relationship with the target record 204 of L.S., based on the commonality that both parties have a relationship with Company F. Accordingly, since one intermediate entity (Company D) is included in the connection 210, this connection is referred to as a "two-hop" connection. Three-hop connections are shown by dotted line 220 and dotted

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dashed line 222. In this example, if the preset limit of connections is four, in step 40, FIG. 2, the process would end. It will be understood that the preset limit can be set to any number, although, in order to minimize processing time and cumbersome connection lists, the limit preferably is set to no more than 10. Subject application, para. [0065].

Examiner expresses thanks to applicant for explaining the support for subject matter to such a great detail.

In contrast, Ravels appears to disclose a system and method for managing transactions relating to real estate. Raveis, Title. On pages 3-4 of the Official Action the Examiner seems to equate the discussion of sales agents in column 8, lines 38-40 of Raveis with the limitation " defining the source connection point as a list of contacts." Official Action pg. 6. This section has been provided below for the Examiner's convenience.

With continuing reference to FIG. 4, a sales agent or move consultant uses the subject invention to locate data relating to a contact. Raveis, col. 8, lines 38-40.

Concerning above assessment on Raveis reference, Examiner respectfully agrees.

Applicants respectfully disagree with the Examiner's characterization of Raveis.

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Specifically, it is Applicants' understanding that Raveis fails to disclose "defining the source connection point as a list of contacts." Applicants respectfully submit that Ravels appears to merely disclose a searchable database for use by various sales agents.

Applicants do not understand how the existence of a sales agent could be interpreted as disclosing "defining the source connection point as a list of contacts."

Further, the Examiner seems to suggest that Ravels discloses "defining a set of intermediate connection points as a series of intermediate contacts that collectively define the pathway from the source connection point to the target connection point, as a function of predetermined relationships among a superset of contacts comprising the intermediate contacts." Official Action, pg. 7. The Examiner cites the discussion of real estate listings in column 10, lines 1-10 of Raveis. This section and corresponding

Figures 8A and 8B have also been provided below for the Examiner's convenience.

Referring to FIG. 8a and FIG. 8b, Table 3 depicts another exemplary database stored within one of the servers 12 or 14. Namely, a record schema for a listing database, designated generally by reference numeral 300. A listing is a piece of real estate which has been offered for sale through a sales agent of the real estate company. The listing database 300 includes a record for each listing, wherein each record contains a plurality of fields for receiving information associated with each listing. The listing database 300 stores the data necessary to identify real estate offered for sale by the real estate company.

In accordance with an embodiment of the present invention, the fields of each listing

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record include, inter alia, fields 351-354 containing data relating to how each record was populated with data. Fields 355-359 contain data relating to commissions associated with the listing, such as, listing commission, data relating to the type of listing commission, selling commission, data relating to the type of selling commission and data relating to the total real estate company commission. Data relating to original list price, date of the listing and current list price is preferably contained in fields 360-362. The remaining fields in exemplary Table 3, namely fields 363-397 contain data relating to the listing. For example, the listing records further includes a MLS identifier for the listing, instructions for the lock box at the listing, a field indicating whether or not the contact associated with the listing is a relocation contact and a field indicating what type of property the listing is. Furthermore, fields in the listing record may contain data relating to a sign vendor associated with the listing, showing instructions and directions for the listing, a zip code for the listing and an open field to include any miscellaneous comments relating to the listing.. Raveis, cols. 9-10, lines 1-30.

Applicants respectfully submit that Raveis fails to disclose "**defining a set of intermediate connection points as a series of intermediate contacts that collectively define the pathway from the source connection point to the target connection point, as a function of predetermined relationships among a superset of contacts comprising the intermediate contacts.**" Specifically, Applicants do not understand how the database entries provided in Raveis could possibly teach the above limitation. Applicants again refer the Examiner to Figure 5 of the subject application

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provided above, which clearly depicts a **"pathway from the source connection point to the target connection point, as a function of predetermined relationships among a superset of contacts comprising the intermediate contacts."** Applicants respectfully submit that the database of Raveis fails to disclose a pathway as claimed in newly amended independent claim 1.

Therefore, Applicants respectfully submit that **Raveis fails to disclose each and every limitation of Applicants' newly amended claim 1**. As such, Applicants respectfully submit that newly amended claim 1 is in condition for allowance. Applicants note that newly added independent claims 11 has been drafted to include similar limitations to that of claim 1 and respectfully submit that claim 11 is in condition for allowance as well. Since dependent claims 2-10 and 12-20 depend, either directly or indirectly, from Applicants' independent claims 1 and 11, Applicants respectfully submit that these claims are in condition for allowance as well. Accordingly, withdrawal of the rejection to claim 1 under 35 U.S.C. § 102 is respectfully requested and an indication of allowability of claims 1-20 is earnestly solicited.

Concerning the above arguments with respect to the Raveis reference's failure to disclose each element of independent claims, Examiner respectfully submits that, under currently revised rejections based on the same Raveis reference, sales agents database is interpreted as a starting point, also the source connection point while real estate sales listing database is seen the target

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connection and the end point, and the real estate company database is the pathway logically connecting the sales agents and sales listings. Examiner may broadly interpret independent claims’ elements when the databases are equaled to the invention’s logical points. However, Examiner does humbly believe the interpretations are reasonable. As a whole, Raveis reference provides specific databases serving functions that logically connect the databases’ applications. Furthermore, data in the databases does serve as entities meeting the functions required by the claims’ limitation. In conclusion, Examiner respectfully maintains the grounds as set forth and described earlier in the rejections and suggests some clarifications of claims’ text seem to be needed for overcoming the instant rejections.

Having overcome all of the outstanding rejections, Applicants respectfully submit that the subject application is now in condition for allowance. Applicants believe that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally,

Conclusion

6. Applicant's amendment necessitated the new grounds of rejection presented in this

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Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to KUEN S. LU whose telephone number is (571)-272-4114. The examiner can normally be reached on Monday-Friday (8:00 am-5:00 pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Pierre Vital can be reached on (571)-272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13
Published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system; contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KUEN S. LU /Kuen S Lu/

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Primary Patent Examiner

August 8, 2010